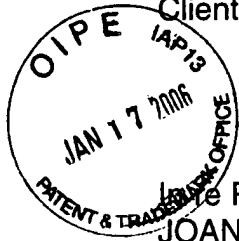


Attorney's Docket 081468-0309173
Client Reference: P-1583.010-US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent APPLICATION of:
JOANNES THEODOOR DE SMIT ET
AL.

Confirmation Number: 6925

Application No.: 10/820,227

Group Art Unit: 2851

Filed: April 8, 2004

Examiner:

For: LITHOGRAPHIC APPARATUS AND DEVICE MANUFACTURING METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT/RESPONSE TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

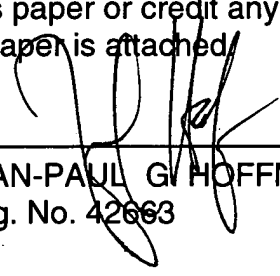
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	-	=	X \$	= \$
INDEP.	-	=	X \$	= \$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE				\$
GRAND TOTAL				\$ 0.00

FEE PAYMENT

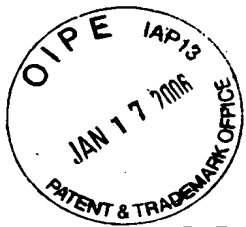
Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: JANUARY 17, 2006

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, VA 22102
703 770.7794



JEAN-PAUL G. HOFFMAN
Reg. No. 42663



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

DE SMIT et al.

Application No.: 10/820,227

Filed: April 8, 2004

Group Art Unit: 2851

Examiner: A. Mathews

Confirmation No.: 6925

For: LITHOGRAPHIC APPARATUS AND DEVICE MANUFACTURING METHOD

January 17, 2006

* * * * *

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the restriction requirement of the Office Action dated January 5, 2006, Applicant hereby provisionally elects the invention of Group I, claims 1-20 and 23. This election is made with traverse.

Applicant submits that at least the subject matter of Groups I and III are sufficiently related that a thorough search and examination of any one of those Groups would necessarily encompass the search and examination of the remaining Group. In particular, Examiner specifies that Groups I and III are classified in the same classification - class 355, subclass 30 - and thus Applicant submits that there would be no undue or serious burden to search these two Groups. Further, Applicant would like to clarify that claim 24 of Group III is drawn to a lithographic apparatus comprising the claimed liquid quality monitor, rather than a claim to a liquid quality monitor *per se*. Thus, claim 24 is akin to claim 1 in being drawn to a lithographic apparatus. Similarly, Applicant would like to clarify that claims 21-22 of Group II are drawn to a lithographic apparatus comprising the claimed detection system, rather than a claim to an apparatus for detecting impurities in a liquid of a lithographic apparatus *per se*. Thus, claims 21-22 are akin to claims 1 and 24 in being drawn to a lithographic apparatus.

So, in conclusion, Applicants respectfully submit that the search and examination of the entire application can be conducted without serious burden, and that the criteria for a

HOEKS ET AL. -- Appln. No. 10/643,167
Client/Matter: 081468-0306169

proper requirement for restriction between patentably distinct inventions has not been met. Indeed, MPEP § 803 clearly states that “[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on its merits, even though it includes claims to distinct or independent inventions” (emphasis added). Applicants submit that this policy should apply in the present application in order to avoid duplicative examination by the U.S. Patent and Trademark Office. Applicant respectfully submits that the restriction requirement fails to satisfy the criteria of MPEP §803 and is improper.

Applicant expressly takes no position on whether the groups of claims are patentably independent or distinct from one another.

Reconsideration and withdrawal of the restriction requirement are respectfully requested.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: 

Jean-Paul Hoffman

Reg. No.: 42,668

Tel. No.: (703) 770-7794

Fax No.: (703) 770-7901

P.O. Box 10500
McLean, VA 22102
(703) 770-7900